IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2034 OF 2004

Gangadhar Dagdu Mali, .. Petitioner
Vs
Vithal Hari Mali, .. Respondent
Mr S.S. Patwardhan, for the petitioner.

CORAM : D.B.BHOSALE, J.

DATE : FEBRUARY 18, 2005.

P.C.

1. Heard the learned counsel for the petitioner.

2. The petitioner-defendant's application for appointment of court commissioner to prove that except the disputed three windows, there are no other windows available for ventilation has been rejected by the impugned order. Admittedly, it is not the case of the respondent-plaintiff that there are other windows, apart from the disputed windows, available for ventilation. In my opinion, the trial Court has rightly rejected the application by the impugned order which requires no interference by this Court in writ jurisdiction under Article 227 of the Constitution of India. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)